

REMARKS

Election/Restriction Requirement

In the Office action dated July 28, 2008, the Examiner has required restriction to one of the following groups, as defined by the Examiner:

- I. Claims 1-11, drawn to input/output data processing, classified in class 710, and subclass 11.
- II. Claims 12-23, drawn to a specific application of a control system, classified in class 700, subclass 115.
- III. Claims 24-46, drawn to inventory monitoring, classified in class 705, subclass 22.

Applicants elect the invention of Group I, claims 1-11, drawn to the embodiment of input/output data processing. This election is made with traverse.

In making the restriction requirement, the Examiner relies on MPEP §806.05(d) to establish that Groups I, II and III, as defined by the Examiner, are independent or distinct as claimed. Applicants note that MPEP §806.05(d) is directed to the case, in which an applicant separately claims plural sub-combinations that are usable together in a single combination, and claims a combination that requires the particulars of at least one of the sub-combinations.

Applicants respectfully assert that this is not the case in the instant application. More specifically, and as between Groups I and II, as defined by the Examiner, claims 1-11 and 12-23 do not define plural sub-combinations. Even if they did, which they do not, Applicants do not separately claim a combination that requires the particulars of at least one sub-combination. Consequently, the Examiner's reliance on MPEP §806.05(d) to establish that claims 1 and 12 are independent or distinct is misplaced. Accordingly, reconsideration and withdrawal of the restriction requirement, at least as between Groups I and II, as defined by the Examiner, are respectfully requested.

Claim Amendments

Claims 24-46 have been cancelled without prejudice or disclaimer of the subject matter therein. New claims 47-57 have been added. New claims 47-57 include method claims, which parallel claims 1-11.


CONCLUSION

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for the impropriety of the instant restriction requirement. Further, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment.

Applicant requests a one-month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13909-137001.

Respectfully submitted,

Date: September 3, 2008



Ryan McCarthy
Reg. No. 50,636

Fish & Richardson P.C.
One Congress Plaza, Suite 810
111 Congress Avenue
Austin, TX 78701
Telephone: (512) 472-5070
Facsimile: (877) 769-7945